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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 3816 of 2007

PETITIONERS : 1. Ku. Costka Lakra, Aged about 54 years, Daughter of Late Johan Lakra, Head Master, Deepak Middle School Shantipara, P.O. Batauli, District Surguja, Ambikapur (C.G.)
2. Ku. Virginia Xalxo, Aged about 58 years, Daughter of Late Ignatius Xalxo, Assistant Teacher, Deepak Middle School Shantipara, P.O. Batauli, District Surguja, Ambikapur (C.G.)
3. Prabhudayal Tirkey, Aged about 50 years, Son of Shri Mangru Tirkey, Assistant Teacher, Deepak Middle School, Shantipara, P.O. Batauli, District S urguja, Ambikapur (C.G.)
4. Ku. Celestina Ekka, Aged about 66 years, Daughter of Late Simon Ekka, Assistant Teacher, Deepak Middle School Shantipara, P.O. Batauli, District Surguja, Ambikapur (C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, through Secretary, Tribal Welfare Department, Mantralaya, D.K.S. Bhawan, Raipur (Chhattisgarh).
2. Commissioner, Tribal Welfare Department, District Ambikapur (Chhattisgarh).
3. Catholic Sansthan Surguja, Dakshin Parikshetra, Bishop's House, Ambikapur, through Nirdeshak, Bishop's House, Ambikapur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri Anupam Dubey, Advocate for the petitioners.
Smt. Anju Ahuja, Dy. Govt. Advocate for the State/respondent No. 1and 2.

ORDER

(Passed on 4th day of July, 2007)

1. Learned counsel appearing for the petitioners submits that the petitioners are teachers working in the respondent No. 3 Institute. The petitioners are entitled to grant of the Fifth Pay Commission in the light of the judgment and order dated 6.2.2007 passed by this Court in the case of **Smt. A. Lall**

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Vs. State of Chhattisgarh & Others (W.P. No. 4108 of 2005) with other connected matters.

2. Learned counsel further submits that this case is squarely covered on facts as well as on question of law by the decision of this Court in the matter of Smt. A. Lall Vs. State of Chhattisgarh & Others and other connected matters (supra).

3. Learned counsel appearing for the respondents No. 1 and 2/State submits that the petitioners have not filed any document indicating asto whether the petitioners are appointed within the sanctioned post and the school is Government aided.

4. In view of that, the writ petition is allowed in the same terms passed by this Court in the matter of **Smt. A. Lall Vs. State of Chhattisgarh & Others** and other connected matters (supra), subject to verification asto whether the respondent No. 3 Institute is a Government aided school and the petitioners are teacher within the sanctioned strength.

Sd/-
Satish K.Agnihotri
Judge

Amit